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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
Plaintiff	)	
	)	
vs.	)	No. 1-19-CR-10080-NMG-17
	)	
JOHN WILSON,	)	
Defendant.	)	
	)	
	)	
	)	

BEFORE THE HONORABLE NATHANIEL M. GORTON  
UNITED STATES DISTRICT JUDGE  
SENTENCING

John Joseph Moakley United States Courthouse  
Courtroom No. 4  
One Courthouse Way  
Boston, Massachusetts 02210

February 16, 2022  
3:34 p.m.

Kristin M. Kelley, RPR, CRR  
Official Court Reporter  
John Joseph Moakley United States Courthouse  
One Courthouse Way, Room 3209  
Boston, Massachusetts 02210  
E-mail: kmob929@gmail.com

Mechanical Steno - Computer-Aided Transcript

## 1 APPEARANCES:

2  
3 Stephen E. Frank

4 Ian J. Stearns

5 Leslie Wright

6 Kristen Kearney

7 United States Attorney's Office

8 1 Courthouse Way

9 Suite 9200

10 Boston, MA 02210

11 617-748-3208

12 stephen.frank@usdoj.gov

13 for the Plaintiff.

14  
15  
16 Michael Kendall

17 Lauren M. Papenhausen

18 White &amp; Case, LLP

19 75 State Street

20 Boston, MA 02109

21 617-939-9310

22 michael.kendall@whitecase.com

23 for John Wilson.

24

25

1 APPEARANCES:

2  
3 Andrew E. Tomback

4 McLaughlin & Stern, LLP

5 260 Madison Avenue

6 New York, NY 10016

7 917-301-1285

8 atomback@mclaughlinstern.com

9 for John Wilson.  
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## P R O C E E D I N G S

THE CLERK: All rise.

(The Honorable Court entered, 3:34 p.m.)

THE CLERK: This is Case No. 19-10080, the United States of America versus John Wilson.

Would counsel please introduce themselves for the record.

MR. STEARNS: Good afternoon, your Honor. Ian Stearns, Leslie Wright, Kristen Kearney, Steven Frank for the government.

THE COURT: Good afternoon, Mr. Stearns, Ms. Wright, Ms. Kearney, and Mr. Frank.

MR. KENDALL: Good afternoon, your Honor. For defendant John Wilson, Michael Kendall, Andy Tomback and Lauren Papenhausen.

THE COURT: Good afternoon, Mr. Kendall, Mr. Tomback, and Ms. Papenhausen.

And we have Miss Victoria from Probation here as well.

We are here on the sentencing of Mr. John Wilson. I have received and read the presentence report, the government's memorandum, the defendant's Sentencing Memorandum and an extensive list of letters submitted in support of the defendant, including 20 letters from members of his family, four from what I would call philanthropic acquaintances, 20 from professional acquaintances and 33 from friends, a total of

1 77 letters. Those are all of the writings I have received.

2 Is there anything I haven't mentioned that I should  
3 have received? Mr. Stearns?

4 MR. KELLY: Not from the government's perspective.

5 THE COURT: Mr. Kendall?

6 MR. KENDALL: You may have included it when you  
7 referred to sentencing memos. There were some supplementary  
8 materials on the request for obstruction from the government.

9 THE COURT: Yes. I have read all of that and received  
03:35 10 it.

11 MR. KENDALL: Thank you.

12 THE COURT: Before we start, however, counsel, I note  
13 that counsel will be well advised to use their time today to  
14 argue why a particular sentence that they propose is  
15 appropriate, rather than to argue about what I view as esoteric  
16 and academic issues pertaining to the calculation of the  
17 guideline range from which both parties urge the Court to  
18 depart and which the Court plans to do.

19 In addition, the Court does not consider it necessary  
03:36 20 to hold, nor will it hold, an evidentiary hearing concerning  
21 whether Mr. Wilson obstructed justice with respect to an  
22 affidavit he submitted to Court and, therefore, defendant's  
23 request for evidentiary hearing, docket 2523, is denied. The  
24 Court will consider all of the pleadings which have been  
25 submitted to the Court by the defendant and by the government

1 when imposing a sentence in this case, but I will not apply an  
2 obstruction of justice enhancement when calculating the  
3 guidelines applicable to this case.

4 So I understand there are multiple objections filed  
5 with respect to the Presentence Report. I'm going to deal with  
6 them first. I will announce my rulings on the government's  
7 objections and then a response if the government wishes to make  
8 it and hear from the defendant as well in that regard. Then I  
9 will turn to the defendant's objections and do the same thing.

03:37 10 Starting with the government's objections, the first  
11 three of the eight objections registered by the government do  
12 not need attention. Objection No. 1 corrects a Scribner's  
13 error. Objection No. 2 corrects the date of Mr. Wilson's  
14 arrest. Objection 3 is informational.

15 The fourth objection by the government is to the  
16 Probation Officer's determination that a two-level enhancement  
17 for obstruction of justice relating to an affidavit submitted  
18 by Mr. Wilson should not be applied. Probation states that it  
19 believes that the issue is a close call but defers to the  
03:38 20 Court. This dispute is largely academic because again, as I've  
21 said before, both parties are recommending a substantial  
22 downward departure from the guideline range and the Court  
23 agrees that one should be adopted. The Court, therefore,  
24 considers the issue moot and will not apply a two-level  
25 enhancement for obstruction of justice but will consider the

1 arguments of both parties when imposing a sentence. The  
2 government's objection is, therefore, overruled as moot.

3 Objection No. 5, the fifth objection by the  
4 government, is to the Probation Officer's determination that  
5 there is no calculable loss or gain for purposes of an  
6 enhancement under the fraud guideline with respect to the  
7 offense level computation under Counts 1, 6, 8 and 9. This  
8 objection has been addressed many times before. The Court has  
9 overruled that objection as to numerous co-defendants, and in  
03:39 10 this case it does so again.

11 The fraud and deceit guideline, Section 2B1.1, is  
12 deemed by this Court to be applicable in this case rather than  
13 the commercial bribery guideline, which is 2B4.1. There is no  
14 specific gain or loss to be applied under the guidelines. It  
15 is clear to this judicial officer that Mr. Wilson's actions  
16 caused harm, not only to the University of Southern California,  
17 but also to the system of higher education in this country.  
18 That harm, because of its conjectural nature, however, cannot  
19 be calculated in terms of financial gain or loss sufficient to  
03:40 20 determine an enhancement under the loss tables in guidelines  
21 Section 2B1.1. Therefore, consistent with the prior rulings of  
22 this Court, government's objection No. 5 is overruled.

23 The government's sixth objection is to the Probation  
24 Office's determination that the total amount of the bribes paid  
25 by the defendant for the purpose of the Sentencing Guidelines,

1 Sections 2C1.1 and 2B1.1, was \$100,000, and a resulting  
2 increase of the offense level ought to be eight. The  
3 government submits that the amount was \$1.22 million dollars  
4 and that the offense level should accordingly be increased by  
5 14 levels pursuant to subsection B1(h) of the same guideline.

6 This dispute is also academic because the sentences  
7 recommended by the parties are substantial below the low end of  
8 the guideline range regardless of whether the base offense  
9 level is increased by 8 or by 14. The Court finds that the  
03:41 10 defendant intended that some portion of the \$1 million dollars  
11 that he paid to Singer concerning his daughters be directed to  
12 persons he believed were corrupt insiders at Stanford and  
13 Harvard and agrees with the Probation department, that on the  
14 evidence before it, the bribe amount cannot be reduced to a  
15 specific figure as is required to calculate a guideline  
16 enhancement. It appears with the Probation Officer's  
17 determination that \$100,000 of the \$220,000 payment the  
18 defendant made to Singer in connection with the admission of  
19 his son to University of Southern California was a bribe for  
03:42 20 the purpose of calculating the applicable offense level.

21 The government's objection, therefore, is overruled.  
22 Nevertheless, it is clear to this judicial officer that  
23 Mr. Wilson intended to bribe individuals whom he believed to be  
24 corrupt insiders at Stanford and Harvard with a huge sum of  
25 money to secure his daughters' admissions to those schools.



1           Objection No. 7 of the government is derivative of its  
2 earlier objections 4 and 6 and concern the Probation Officer's  
3 calculation of the total offense level. For the same reasons  
4 that the earlier objections were overruled, government's  
5 objection No. 7 is overruled.

6           Finally, the eighth and final objection of the  
7 government is to the Probation Officer's recommendation that  
8 the Court consider a downward departure on the basis of the  
9 guidelines section for federal programs bribery, that is 2C1.1,  
03:43 10 may not properly address the defendant's culpability because  
11 the status of the University of Southern California as a  
12 recipient of federal funds did not bear on his motivations for  
13 engaging in the conduct for which he has been convicted under  
14 Count 2 of the Superseding Indictment.

15           The Court has previously overruled a similar objection  
16 by the government with respect to the defendant Abdelaziz. The  
17 Court will consider a downward departure or variance from the  
18 guideline range as is recommended by both parties on the basis  
19 of the defendant's culpability, which the Court considers to  
03:44 20 include whether his conduct was of the sort anticipated by the  
21 Sentencing Commission in promulgating Section 2C1.1 and,  
22 therefore, the government's objection is overruled.

23           I'll hear from the government with respect to my  
24 rulings on the government's objections if they wish to be  
25 heard. Mr. Stearns.

1 MR. STEARNS: No, your Honor. Thank you.

2 THE COURT: Do the defendants wish to be heard in that  
3 regard?

4 MR. KENDALL: No, your Honor.

5 THE COURT: Then we'll turn to the defendant's  
6 objections. I note that, pursuant to footnote No. 1 on page 3  
7 of the defendant's Sentencing Memorandum, the defendant  
8 concedes that most, that is 48 of his 68 objections to the  
9 Presentence Report, are informational and, in my opinion,  
03:45 10 and/or support his arguments and, therefore, they are overruled  
11 as not pertinent to the guideline calculations.

12 I will address the other objections which the  
13 defendant contends are noninformational as follows:

14 First, objection No. 27, which pertains to the  
15 defendant's tax liability, it also raises previous rejected  
16 factual and legal arguments and it is overruled.

17 Objections 36 and 37 concern the construction of the  
18 obstruction of justice issue which the Court will not address  
19 for reasons discussed when addressing the government's  
03:45 20 objection just now.

21 Objection No. 39, which pertains to the alleged impact  
22 on the University of Southern California, is mostly  
23 informational and, to the extent it is not, it is overruled.

24 Objection No. 40 adopts the argument made in objection  
25 No. 27 and it is overruled for the same reasons.

1           Objection No. 42 disputes the Probation Officer's  
2     calculation of an adjusted offense level of 22 based upon the  
3     application of the bribery guideline, that is 2C1.1, to  
4     determine the base offense level as well as the Probation  
5     Officer's application of an 8 level enhancement. The Court  
6     agrees with the Probation Officer's and the defendant's  
7     objection No. 42 is overruled.

8           Objection No. 43, disputes the Probation Officer's  
9     finding that Count 13 of the Superseding Indictment cannot be  
03:46 10    grouped with the other counts for the purpose of calculating  
11    the guideline range. The Court agrees that the count cannot be  
12    grouped and, therefore, objection No. 43 is overruled.

13           Objection No. 44 concerns the application of  
14    Sentencing Guidelines Section 2C1.1 to determine the base  
15    offense level, which defendant contends is incorrect. The  
16    Court agrees again with the Probation Officer's determination  
17    that 2C1.1 applies and defendant's objection 44 is overruled.

18           Objection No. 45 disputes the Probation Officer's  
19    application of an eight-level enhancement under 2C1.1(b) (2)  
03:47 20    because the value of the payment exceeded \$95,000. Defendant  
21    asserts that because no public official was involved and  
22    because the Presentence Report misstates the, quote, value of  
23    the payment, unquote, he made, no enhancement applies. For the  
24    reasons stated with respect to the government's objection  
25    No. 6, the Court agrees with the Probation Officer's

1 calculation of the enhancement and the defendant's objection  
2 No. 45 is overruled.

3 Objection No. 46 concerns the recommendation that the  
4 tax loss in this case was \$88,546. Defendant contends that  
5 some portions of the \$220,000 could have been claimed as a  
6 charitable deduction. The Court agrees with the Probation  
7 Officer's conclusion that because the entire payment was  
8 fraudulent, it could not have been taken as a deduction and,  
9 therefore, defendant's objection 46 is overruled.

03:48 10 Objection No. 47 concerns the Probation Officer's  
11 calculation of the multiple count adjustment per Section 3D1.4.  
12 It is derivative of objection No. 43, which the Court overruled  
13 and, therefore, objection No. 47 is overruled.

14 Objection No. 48 is also derivative of the earlier  
15 objections and, therefore, is overruled.

16 Objection No. 63 has to do with the defendant's net  
17 worth and the value of his assets, which the Probation Officer  
18 has amended to state that his net worth is at 3.5 million plus.  
19 The Court, therefore, acknowledges that at least part of that  
03:49 20 objection was sustained and part of it is overruled.

21 Finally, with respect to objections 66, 67, and 68,  
22 they are derivative of the defendant's objections to the  
23 calculation of the offense level which has been overruled and,  
24 therefore, they are also overruled.

25 I will hear from the defendant if they have any

1 comments with respect to the Court's ruling on his objections  
2 to the Presentence Report.

3 MR. KENDALL: None, your Honor. We just wanted to  
4 preserve our rights to everything.

5 THE COURT: Your rights are preserved, Mr. Kendall.

6 Does the government have any response in that regard?

7 MR. STEARNS: No, your Honor.

8 THE COURT: We turn to the Presentence Report and the  
9 recommendations made in that report by the Probation Officer  
03:50 10 with respect to the calculation of the guidelines, albeit that  
11 they are in large part not controlled in this case. I am  
12 advised that the 2021 Guideline Manual applies. That's the  
13 most recent manual. Within that manual, because we need to  
14 consult with three separate guidelines by virtue of the  
15 superseding indictment for fraud, bribery and false tax  
16 returns, we go to the conspiracy guideline, 2X1.1. That refers  
17 us to the base offense level of the substantive offense. We  
18 are going to have to group these counts so that under the fraud  
19 and bribery counts, that's 2B1.1, applies to the fraud counts  
03:51 20 and 2C1.1 to the bribery counts. It is recommended that I  
21 group those two but not the two with the false tax return  
22 counts, which is controlled by guidelines 2T1.1.

23 Considering all three of those guidelines, and because  
24 the offense level for the most serious of the counts comprising  
25 the groups of the fraud counts and the bribery counts is the

1 bribery count itself, we go to that to determine the first base  
2 offense level for those groups. Again, 2X1.1, the conspiracy  
3 guideline, refers us to the substantive count, which in this  
4 case is 2C1.1.

5 The offense involved convictions for more than one  
6 bribe and, therefore, under Count 11 of the superseding  
7 indictment, that was a \$500,000 wire transfer in October of  
8 2018.

9 Count 12 of the superseding indictment was for a wire  
03:52 10 transfer to the KWF Foundation account in December of 2018.

11 The defendant paid Singer \$220,000 in March of 2014.  
12 That comprised of \$100,000 to KWF and \$100,000 to the Key and  
13 \$20,000 to Singer personally. Accordingly, a two level  
14 enhancement is applied to the base offense level of 12 and,  
15 furthermore, because the monetary value of the benefit to be  
16 received by the defendant cannot be determined, the value of  
17 the payment that went to the Southern Cal men's water polo  
18 account controlled by Coach Vavic as a bribe of \$100,000 is the  
19 determinative figure.

03:53 20 Therefore, under Section 2C1.1(b)(2), since the value  
21 of the payment made by the defendant exceeded \$95,000 but did  
22 not exceed \$150,000, the offense level is increased by 8 levels  
23 under guidelines Section 2B1.1(b)(1)(F). That all means that  
24 the adjusted offense level of the first group is 22.

25 Do counsel have any comments with respect to those

1 findings? Mr. Stearns?

2 MR. STEARNS: No, your Honor, just subject to our  
3 prior objections.

4 THE COURT: Mr. Kendall?

5 MR. KENDALL: Same, your Honor.

6 THE COURT: All right then.

7 As to the second group, which was for the filing of  
8 the false tax return, we turn to Section 2T1.1. The base  
9 offense level is corresponding to the tax loss from the tax  
03:54 10 table under Section 2T4.1. Because the tax loss is 88,000 plus  
11 dollars, that falls between \$40,000 and \$100,000. The base  
12 offense level is 14 pursuant to guideline Section 2T4.1(E).

13 Do counsel agree with that calculation?

14 MR. STEARNS: Yes, your Honor.

15 MR. KENDALL: Same, your Honor.

16 THE COURT: The Court so finds. Therefore the  
17 adjusted offense level on the tax count is 14.

18 Then turning to the multiple count adjustment under  
19 guideline Section 3D1.4, count group one calls for one unit and  
03:55 20 the count group two calls for a .5 unit. That's a total of 1.5  
21 units. Pursuant to 2D1.4, that means I should add one offense  
22 level to the number assigned to the amount of the highest  
23 offense level. That was 22. That means that the combined  
24 adjusted offense level is 23 and the total offense level is 23.

25 Do counsel agree with those calculations? Mr. Stearns?

1 MR. STEARNS: Yes.

2 MR. KENDALL: Yes, your Honor, subject to our  
3 objections.

4 THE COURT: Yes.

5 Turning to the defendant's criminal history, he has no  
6 prior convictions and falls in Criminal History Category I.  
7 That means that with a total offense level 23 and a Criminal  
8 History Category I, the guideline range applicable in this case  
9 is 46 to 57 months.

03:56 10 Do counsel agree with those calculations?  
11 Mr. Stearns?

12 MR. STEARNS: Yes, your Honor.

13 THE COURT: Mr. Kendall?

14 MR. KENDALL: Yes, your Honor.

15 THE COURT: The Court so finds. And, of course, I  
16 have carefully considered the recommendations made in both of  
17 the Sentencing Memorandums, but I will hear recommendations for  
18 sentencing, starting with the government, Mr. Stearns.

19 MR. STEARNS: Thank you, your Honor. A week before  
03:56 20 the FBI approached Rick Singer in this case, he and the  
21 defendant John Wilson were captured on a court authorized  
22 wiretap. When they thought no one else was listening, they ban  
23 to discuss the side-door scheme for the defendant's daughters.

24 The defendant asked Singer, "What sports would be best  
25 for them or is that not even going to matter?"



1 Singer responded, "It doesn't matter. I'll make them  
2 a sailor or something because of where you live."

3 In response to that, the defendant laughed and asked  
4 if he could have a two-for-one special because he had twins.

5 And the response to that, Singer laughed along with  
6 him.

7 Later, the defendant was captured on a consensually  
8 recorded phone call and by then the sailing plan had developed  
9 to focus on a specific school, Stanford. Singer told the  
03:57 10 defendant that he could get one of his daughters admitted to  
11 Stanford as a fake sailor in exchange for half a million dollar  
12 bribe, but the defendant would need to bribe someone else at  
13 another top school to get his second daughter admitted because,  
14 as Singer told John Wilson, the Stanford coach actually had to  
15 recruit some real sailors so that Stanford doesn't catch on to  
16 what he's doing. And the defendant again laughed, and he  
17 confirmed his understanding. "He's got to actually have some  
18 real sailors, right."

19 John Wilson did not just commit fraud and bribery like  
03:57 20 the other parents in this case. He did it brazenly, and he  
21 laughed while doing it. He didn't just lie on his taxes  
22 either. With respect to the side-door payments for his son at  
23 USC years earlier, in an email to Singer, he described the tax  
24 fraud as awesome, awesome that he could deduct some of the  
25 bribe payments as fake consulting services and awesome that he

1 could deduct the rest as fake charitable donation. Those are  
2 just some of the things that John Wilson did and said and  
3 thought in private, things that he didn't expect a jury, the  
4 government, or this Court to hear at sentencing.

5 And now, having been convicted of eight crimes from a  
6 jury of his peers, he resorts to minimization, finger pointing,  
7 and excuses throughout his informational objections in the PSR  
8 and his Sentencing Memorandum.

9 For example, in his objections to the PSR, he claims  
03:58 10 that the language I just quoted to the Court, the coach  
11 actually has to have some real sailors so that Stanford doesn't  
12 catch on, he says that that language was soft and ambiguous.  
13 In other words, this Harvard educated executive who described  
14 himself on tape to Rick Singer as one of McKinsey's foremost  
15 thought leaders on pricing strategy, he just didn't get it,  
16 just like he claims he didn't get or he didn't read the fake  
17 water polo profile for his son that Singer sent him and was  
18 sitting in his inbox during a night when he was actively  
19 sending emails. And just like he tried to suggest at trial,  
03:59 20 and continues to suggest, that it was his secretary's innocent  
21 oversight that he deducted part of the bribe payments as a  
22 business expense, even though on the face of the emails that  
23 made it crystal clear it was his own idea.

24 To this day, this defendant continues to declare that  
25 he is not only innocent but that he and his family were

1 exploited by Rick Singer, that they are victims of the very  
2 co-conspirator that he was caught on tape laughing with about  
3 lies that he told and agreed to tell schools.

4 At sentencing, he submitted a letter from his wife  
5 asserting that there were misleading statements during the  
6 trial in this courtroom during the trial. He submitted a  
7 letter from his son who refers to the facts underlying the  
8 jury's verdict as allegations, and then calls those allegations  
9 preposterous. Preposterous. But they're not allegations any  
04:00 10 more and they're certainly not preposterous.

11 Here's what is preposterous though: Asserting that the  
12 defendant is one of the least culpable parents in this case.  
13 That's a quote from his Sentencing Memo. We don't have time to  
14 compare the defendant's actions to all the other parents who  
15 have been convicted today, your Honor, but I would like to  
16 discuss Gamal Abdelaziz, the defendant who was just sentenced  
17 last week.

18 The defendant suggests that he is far less culpable  
19 than Gamal Abdelaziz. Mr. Abdelaziz did the side door for one  
04:00 20 of his three children. The defendant did it for all three of  
21 his children. Mr. Abdelaziz paid a \$300,000 dollar bribe.  
22 This defendant paid four times that amount, 1.2 million dollars  
23 in three separate bribes. Mr. Abdelaziz was convicted on two  
24 counts of conspiracy. John Wilson was convicted on both of  
25 those counts, plus five more substantive counts of fraud and

1 bribery.

2 Then the defendant tried to distinguish himself from  
3 Mr. Abdelaziz. He says on page three, quote, Abdelaziz agreed  
4 that Singer should lie to the IRS about the payments, and then  
5 it says that Wilson purportedly didn't do that.

6 The defendant didn't need Rick Singer to agree to lie  
7 to the IRS. The defendant did that all by himself. He was  
8 convicted of tax fraud, of lying on the same tax return in not  
9 one, but two ways. And one of those ways, the fee consulting  
04:01 10 services that were purportedly performed by Singer for his  
11 company, Hyannis Port Capital, that was the defendant's own  
12 idea.

13 At page 12 of his Sentencing Memo, he suggests that  
14 himself, Diane Blake, and one other parent are the only three  
15 parents in this scheme who are not actively involved, but as  
16 the evidence at trial established, your Honor, there were  
17 dozens, dozens of emails and nearly a dozen recorded phone  
18 calls in which this defendant was captured in realtime  
19 discussing both of the bribes and the lies in painstaking  
04:02 20 detail. The defendant was intimately involved in the scheme,  
21 and the evidence shows that he insisted on knowing the details.

22 Stripped of the minimizations, the excuses, and the  
23 finger-pointing, the defendant's conduct makes him one of the  
24 most culpable defendants in this case. And when the Court  
25 considers his strident refusal to accept responsibility for

1 anything, he deserves the longest sentence of all the parents  
2 in this case.

3 I'd like to briefly address two other themes in the  
4 defendant's sentencing submission, your Honor. First, his  
5 charitable work. To be sure, like many of the defendants in  
6 this case, the defendant has given generously to charity, but  
7 the government respectfully submits that his charitable giving  
8 was not so unusual in comparison to other defendants,  
9 particularly given his enormous wealth to warrant a further  
04:03 10 reduction in his sentence.

11 Second, the defendant cites his difficult upbringing.  
12 The defendant's rise to academic and business success, your  
13 Honor, is noteworthy, but it doesn't explain or justify or  
14 excuse his conduct. John Wilson was a man in his mid 50s,  
15 decades removed from his childhood, when he decided to  
16 participate in the scheme involving lies and payoffs to get his  
17 three children into college, and those three children, unlike  
18 him, they didn't have the opportunity to go to private school.  
19 I mean they did have the opportunity to go to private school.  
04:03 20 They had private tutoring. They had every other opportunity  
21 that money could buy.

22 The defendant did not commit his crime out of want or  
23 need and he was not driven to a life of crime in his teenage  
24 years or his early 20s because of his childhood. Far from  
25 that. By the time the defendant decided to participate in this

1 conspiracy, he had already achieved the American dream and he  
2 threw it all away, and his childhood had nothing to do with  
3 that.

4 The bottom line is this: The defendant may have had a  
5 humble beginning, but he is not humble and he has not yet been  
6 humbled. He stands before this Court regretful that he was  
7 caught, regretful that he was convicted, but he's not actually  
8 regretful for his conduct, and he accepts not an ounce of  
9 responsibility for his actions. The 21 month sentence that the  
04:04 10 government is recommending in this case, your Honor, reflects  
11 all these things. We acknowledge it's not an insufficient  
12 sentence but it's a fair one. It's significantly below his  
13 applicable guidelines range, however the Court calculates it,  
14 and it's firmly within just the guideline range for his tax  
15 fraud count alone, setting aside the multiple fraud and bribery  
16 convictions.

17 By contrast, the defendant's request for a six month  
18 term, that's half of what the Court sentenced to Gamal  
19 Abdelaziz to last week, a less culpable defendant.

04:05 20 And that brings me back to the word "preposterous",  
21 because then the defendant suggests that he cannot afford and  
22 does not deserve to pay a fine of more than \$25,000. The Court  
23 will recall this is the same defendant who was caught on tape  
24 bragging about and inviting Rick Singer to a birthday party he  
25 was going to throw himself at Versailles. Now he seeks credit

1 for the fact that the one million dollars in bribe payments for  
2 his daughters to get into college was seized by the government  
3 as proceeds of a crime. It is, to say the least, tone deaf.

4 The defendant would have the Court believe that he  
5 does not have the ability to pay a meaningful financial  
6 penalty, unlike every other defendant in this case, because he  
7 has to cover mortgages on not one mansion but two, and this is  
8 in a case where privilege and entitlement were the driving  
9 forces of the conspiracy.

04:06 10 For all those reasons, your Honor, the government  
11 respectfully recommends that the Court sentence John Wilson to  
12 21 months in prison, to run concurrently on all counts of  
13 conviction, two years of supervised release, 500 hours of  
14 community service, a \$250,000 fine, and restitution as set  
15 forth in the PSR.

16 Thank you.

17 THE COURT: Thank you, Mr. Stearns.

18 Mr. Kendall.

19 MR. KENDALL: Yes. Thank you, your Honor.

04:06 20 When determining John Wilson's sentence, I suggest to  
21 you the single most important thing for you to consider is his  
22 character. The government wants you to think of his character  
23 through one series of events, the events that led to his  
24 conviction in this courtroom and his involvement in the side  
25 door. They say that's it, that's all you need to look at. I

1 suggest to you the way you judge a person's character is to  
2 look at what they did their whole life and see what values they  
3 have practiced and lived by, values that they have helped  
4 others with.

5           You've used a very apt and effective phrase from  
6 Yiddish, chutzpa, to describe the behavior here that you've  
7 seen here and been offended by. I'd like to take another  
8 concept from Jewish learning. It's called The Golden Ladder of  
9 Charity. It was something written 900 years ago by the  
04:07 10 foremost scholar in the history of the Jewish people, Rabbi  
11 Maimonides. He gave a list of criteria to use to evaluate the  
12 charitable works of a person. He said, these are the ways you  
13 can sort of rank and evaluate them.

14           Among the things he talked about was did the person  
15 give to people that they didn't know. Did the person give to  
16 the people who had no idea who they were? Did they give when  
17 they will not get any recognition or benefit? And did they  
18 give even though no one asked them to give? I'd like to review  
19 a little bit of the charitable accomplishments and  
04:08 20 contributions Mr. Wilson made.

21           And one thing I agree with Mr. Stearns. For a rich  
22 person to write a check and to give some money, that's very  
23 nice, but that's not a measure of character. That's a measure  
24 of fitting in with social conventions and sort of expectations.  
25 I suggest to you if we look at the contributions Mr. Wilson has



1 made, it's far more than somebody just opening up a checkbook.  
2 It's somebody giving their time, their skill, and their effort,  
3 and I suggest to you giving time is a very precious thing.  
4 Rich or poor, we never have enough time in our lives.

5 The first thing, of course, is Mr. Wilson's  
6 contribution for the autism charities. What you see from the  
7 letters that were sent by those people is he got involved  
8 because he saw such a pressing need for people afflicted with  
9 autism and for their families. There's over five million  
04:09 10 autistic adults in the United States, plus numerous children.  
11 Nobody in his family was afflicted by it but he thought it was  
12 a charity and an area where he could help.

13 And what do we see in the letters? He came in as a  
14 CEO and the first thing he said was you need to do a merger.  
15 You've got two small little charities that compete with each  
16 other and don't have a lot of impact. Let's put them together.  
17 And Dr. Robinson, Ricky Robinson from USC, describes how John  
18 came up with the merger idea and spent a year negotiating that  
19 merger to put it together. He spent a year convincing doctors  
04:09 20 and scientists and emotionally effected parents that they had  
21 to merge these organizations. And like a good CEO, he also  
22 told them, you have to change your strategy. You're talking  
23 about public education, awareness. We need to lobby the  
24 federal government and other sources to get research money to  
25 find a scientific cure.

1           And what do we have in here? We look at  
2 Dr. Robinson's letter. His leadership in this effort was the  
3 key that actually brought this collaboration to the finish  
4 line. I am convinced his efforts made a huge difference, not  
5 just in the life of our organizations but for the lives of so  
6 many living with development disabilities.

7           Then you have Jon Shestack, one of the leaders of the  
8 autism groups whose family was personally effected. He  
9 describes it. "John took on his volunteer position as if it  
04:10 10 were his job. He met families and scientists and completely  
11 mastered the field. He helped us grow from over 5 million a  
12 year in revenue to over 20 million a year. There are thousands  
13 of excellent scientists working in the field when there were  
14 once less than a dozen. And the federal government now spends  
15 over 200 billion a year on autism research when they once spent  
16 under 5 million. None of this would have been possible without  
17 John Wilson's help and guidance. It's really hard to  
18 communicate what a super human force for good John was in our  
19 lives. He had the energy and talent of five men and gave it  
04:11 20 freely".

21           That's not writing a check to attend some fancy dinner  
22 and be with your rich friends. That was a 15 year commitment,  
23 providing leadership and vision that turned them around from a  
24 small group that raised funds to educate people to be more  
25 sensitive to be a major force in developing scientific research

1 to cure a terrible affliction.

2 The second major philanthropic thing he's done  
3 addresses an issue that this Court has highlighted,  
4 appropriately so, throughout his discussion of the side-door  
5 activities. The Court has raised specifically the problem of  
6 economic inequality, the impact that the side door would have  
7 on people who did not have financial resources to compete that  
8 had to compete upon their grades and hard work only.

9 Ten years before John Wilson ever met Singer you heard  
04:12 10 from the testimony of his tax preparer. He created a trust and  
11 bequest in his will to give five million dollars to his college  
12 and to Harvard, his other alma mater for college scholarships  
13 to endow for students whose parents didn't go to college, for  
14 students in engineering math with good grades. This is exactly  
15 the same type of people the Court has been concerned about  
16 being left behind by the side door.

17 So while it doesn't excuse his conviction, and his  
18 conviction should not be erased, the values you're concerned  
19 about he put his money where his mouth is and he made  
04:13 20 commitments for a large amount of money to take care of that  
21 issue of social inequity. John didn't know the people who  
22 would get these scholarships. They'll never know him. He  
23 didn't get any benefit from himself or his children from the  
24 schools that he attended to make a bequest for. He made it the  
25 largest charitable contribution of his life because he shared

1 the values you're concerned about, the issue of economic  
2 inequality in children getting into college.

3 There's an old saying that good character is what you  
4 do when nobody else is watching, so I want to turn to some of  
5 the letters from his friends that told you that, in addition to  
6 the large acts, being on boards taking major roles, what does  
7 he do in his every day life.

8 You have a letter from a Richard O'Keefe, a retired  
9 physician, who described how John, in fact, is not the arrogant  
04:14 10 person they describe but an incredibly humble person. As  
11 Dr. O'Keefe wrote to you, "He has worked very hard throughout  
12 his life and has become quite successful. In my experience,  
13 many people who share the same type of story tend to possess a  
14 great deal of braggadocio, but John is very humble and a very  
15 genuine person".

16 You also have him describing how when he was diagnosed  
17 with cancer, he had to go out of state for treatment, and  
18 because of some craziness in our insurance laws, it wasn't  
19 covered. John gave him the money to get his out-of-state  
04:14 20 cancer treatment. And what he says is he never raised it with  
21 John. He never asked. John somehow heard of the need and John  
22 gave him the money to get his treatment. And what does he say?  
23 "I am convinced that he is one of the reasons that I am still  
24 here today".

25 Finally, on a personal level, there's a letter from

1 Jacqueline Bastien. You may remember when you read this letter  
2 she had a mother who was living on Cape Cod who had had  
3 dementia that was eventually overtaking her. When the woman  
4 tried to live independently, John was the person to come down  
5 and fix the house, fix the fence, deal with the landscaping.  
6 If it was too hot, he'd buy a couple of air conditioners and  
7 install them for her during a heat wave. Never asked to do  
8 this. Never solicited. He did it just because he wanted to  
9 help someone who needed him. And, in fact, when the family  
04:15 10 wanted to move her into a dementia care unit, they didn't have  
11 the money and he lent them \$30,000 so they could get proper  
12 care for her.

13 Finally, your Honor, you have the letter from his  
14 childhood friend, Fred Lukens, who describes the difficulties  
15 John grew up with, the sheer poverty, growing up in a housing  
16 project with violence, with alcohol and mental health issues.  
17 And from the earliest of age John was the one who shielded his  
18 siblings. John was the one that became valedictorian at his  
19 high school, overcoming some disabilities by always having good  
04:16 20 ethics and good values.

21 Finally, what was he like as a corporate leader? We  
22 live in an age when CEOs love to be greedy and everybody  
23 celebrates the more money they can grab for themselves, the  
24 bigger the yachts they can buy. What did the employees of  
25 Staples tell you in their letters? When John came into

1 Staples, the first thing he did was take a ten percent cut.  
2 The company was doing poorly and he was going to share the  
3 pain. After that, he spent thousands of dollars every year  
4 giving rewards and bonuses in support out of his pocket, it was  
5 after tax money, this was not tax deductible stuff, to  
6 encourage his team and the middle management folks to stick  
7 with the company and work as a team.

8 And what did they tell you? He treated everybody the  
9 same, the union people, the midlevel workers, the low level  
04:17 10 workers. He has a tremendous sense of humility and he's not  
11 someone who's caught up in hierarchy. This is somebody who  
12 started off working his first job in life working in tobacco  
13 fields alongside migrant farm workers. He is not a person of  
14 arrogance and contemptuousness. Maybe he spends his money, but  
15 he spends it generously, sharing with many.

16 So, your Honor, I now want to turn to the sentencing  
17 issue. In terms of the issue of general deterrence, the  
18 sentences in this case are known nationwide. They're known  
19 internationally. The college admissions prosecutions in this  
04:17 20 courthouse have shown the world that people of wealth, of  
21 celebrity, of influence, are all subject to the same rules and  
22 the same punishment as the rest of the world. Giving him the  
23 sentence in line with the other defendants reinforces general  
24 deterrence. It doesn't undercut it.

25 As for specific deterrence, John has been a

1 businessman for over 40 years. He has an unblemished record,  
2 not a single regulatory ethical problem in his entire career  
3 outside of the side door. The government brought a tax charge.  
4 He's been convicted on it, but you also know they went through  
5 probably a dozen or more of his tax returns. They combed his  
6 tax returns over several years, and this is the only issue they  
7 found. You remember from the trial, here is a guy who spends  
8 38 to 42 percent of his income either in paying taxes or making  
9 charitable donations unrelated to Rick Singer. This is not  
04:18 10 somebody who is nickel and diming the government or cheating  
11 the government as a general practice, putting aside Count 13.  
12 This is somebody that has paid his fair share in taxes and,  
13 when they reviewed his taxes, they found nothing else to raise.

14 So, your Honor, their recommendation says he should  
15 get almost two times higher than the next sentence, four times  
16 more -- more than four times the average sentence that you have  
17 given in this case. You've sentenced, I believe, 15 people in  
18 this case. Other judges in this courthouse have sentenced  
19 others as well. We suggest to you, treating John somewhere in  
04:19 20 the middle of the group of the defendants is appropriate, above  
21 the average of four, four and a half months for the sentences  
22 you give, and we recommend six. Our point is simply, Judge, he  
23 is not the outlier that the government wants to make him out to  
24 be. You and other judges in this courthouse have noted several  
25 characteristics that warrant a longer sentence in this case.

1 I'd like to review some of those now and how they apply to  
2 John.

3 Agent Keating of the IRS testified at trial. I'm sure  
4 you remember that, your Honor. She testified that Singer spoke  
5 to John Wilson differently than to the other parents. He had  
6 never used the word "bribe" to him. He had always told him all  
7 the money was going to a school program. We're not disputing  
8 the Court's ruling and the Court's instruction that that can be  
9 a corrupt bribe, but I suggest to the Court there is a  
04:20 10 difference in the corrupt bribe that goes to the school program  
11 and gives some benefit to the corrupt insider than putting cash  
12 directly in the pocket of the insider, which many of the  
13 parents did and got a far lesser recommendation than what the  
14 government does. I'm not challenging whether that can be a  
15 violation, but it's a difference in the degree of the violation  
16 is what I'm suggesting to you, your Honor.

17 He never took fake pictures of his children. He did  
18 not lie to his children's high school teachers and counselors,  
19 as many of the parents did. In fact, Coach Bowen was told he  
04:21 20 was applying and Coach Bowen supported Johnny's application to  
21 USC. Singer called other parents and described this fictitious  
22 IRS audit and got them to agree to participate in deceiving the  
23 IRS in the audit. Singer never even tried that with John  
24 because he knew John would never agree to it.

25 Singer never called John to get him to lie to USC



1 about his child having an ankle injury or lie to the schools  
2 for any other purpose. In fact, John, unlike many of the  
3 parents, including Mr. Abdelaziz, never had one of his children  
4 write a phony college essay that claimed they were playing a  
5 sport that they didn't play.

6 There's a lot of behaviors in this case that the Court  
7 is rightfully indignant over and rightfully critic of. I  
8 suggest one of the behaviors that's the most egregious, if not  
9 the most egregious, is when people made their children active  
04:22 10 participants in the behavior, getting them to knowingly pose  
11 for phony pictures they knew were going to be used improperly,  
12 getting for them or ghost writing for them essays that were  
13 false and misleading and having the children read it and help  
14 put it together.

15 To dirty your own children's hands with actual  
16 fraudulent conduct I suggest, your Honor, is the worst behavior  
17 that you'll find in this case. Many of the defendants who got  
18 lower sentences than the government recommendation did that.  
19 John Wilson's children knew nothing about the side door. He  
04:22 20 never had them involved and participating in it, and that is  
21 uncontested in this case, your Honor. That alone, I suggest,  
22 makes him not an outlier and the worst defender but somewhere  
23 in the mix of the defendants.

24 And if you look at what he taught his children, they  
25 scored incredibly high on the ACTs, all three of them. He

1 hired tutors from Rick Singer who would grill these kids and  
2 make them work for months on end to prepare for those tests and  
3 get honest scores. His son was an honest athlete, who actually  
4 was on the USC team for a season even if he was out for a lot  
5 for concussion. His daughters had wonderful activities,  
6 champions in debate and math team.

7 These are the practices and the way he taught his  
8 children to be. He never involved them in any of the behavior  
9 of the side door, which so many of the other defendants who  
04:23 10 have been sentenced actively did.

11 The sad irony of John's conviction is his kids didn't  
12 need a side door. They were qualified, capable kids that could  
13 have got into highly competitive schools without the side door.  
14 That is his problem, that he made judgment, but I'm just  
15 pointing out, your Honor, he taught his children values that  
16 you would admire and respect, unlike many of these defendants  
17 who taught their children to cut corners.

18 The government's sentence is excessive, your Honor.  
19 We ask that he be sentenced more in line with the other  
04:24 20 defendants. The sentence recommendation they make will cause  
21 not just John but his wife and children to suffer far more than  
22 is necessary.

23 I want to address briefly the issue of the  
24 obstruction. I'm grateful you found the government did not  
25 carry its burden of proof and it wasn't relevant to the

1 guideline calculation. I do not want any aspect of that to  
2 influence the Court. We have put together four affidavits.  
3 They control Rick Singer and they won't say what Rick Singer's  
4 view on it was. They would not disclose anything what the  
5 other witness to that phone call would say. I suggest you can  
6 draw an adverse inference against the government if they're  
7 hiding Rick Singer's statements on that when four people have  
8 put in affidavits and two of them are willing to testify in  
9 court.

04:24 10 You can say many things about John Wilson, your Honor,  
11 but I don't think anybody could say that he would ever put up  
12 his wife or children to commit perjury in this court for his  
13 own benefit. His problem is he does too much for his children,  
14 not that he exploits them for his own legal issues.

15 So I ask that the obstruction allegation have no  
16 impact on your assessment of what type of downward departure is  
17 appropriate.

18 Finally, with respect to the fine, your Honor, there's  
19 a few things. We say he doesn't have a lump sum because his  
04:25 20 assets aren't liquid. If you are to impose a substantial fine,  
21 we'd ask that you give him six months. He has all sorts of  
22 debts and assets that are just not cash that can be readily  
23 used. Many things are tied up in his business. So a six month  
24 period to pay a substantial fine, I'd suggest, is not arrogant  
25 or lacking of humbleness. It's just an economic reality.

1           Your Honor, in terms of what is the appropriate fine,  
2     the government is getting a million dollar forfeiture from him.  
3     I believe that's four times the amount anybody else has paid in  
4     a fine. I'd ask that you factor that into your analysis as  
5     well.

6           I thank you for your patience as always, your Honor.  
7     We await your judgment.

8           THE COURT: Thank you, Mr. Kendall.

9           Does the defendant wish to address the Court before  
04:26 10     sentence is imposed?

11          THE DEFENDANT: Yes, your Honor. Can I take this off?

12          THE COURT: Yes, you may.

13          THE DEFENDANT: Thank you, your Honor, for the  
14     opportunity to speak today. The last several years have been  
15     extremely difficult for me and my family, and yet I know that  
16     in many ways I'm a very fortunate person.

17                 The U.S. educational system is one of the best in the  
18     world, and it's changed my life profoundly for the better.  
19     That is why I especially regret and apologize for any negative  
04:26 20     impact that my actions have had on the level of trust and  
21     confidence that people have in the college admissions process  
22     and higher education in general.

23                 I have a wonderful wife, three honest and hardworking  
24     kids, and my children have earned tremendous success in school  
25     with their own hard work and in many other areas as well. And

1 I am incredibly proud of them. And I'm terribly sorry that  
2 because of the some of the choices I have made that my children  
3 have been publically and unfairly harmed.

4 Your Honor, I know that you've been very diligent in  
5 trying to root out any unfairness in the college admissions  
6 process and I respect that and apologize to you as well.

7 I have always believed that the greatest  
8 responsibility of someone who's achieved success in their life  
9 is to share it with others, and I have a lifelong history of  
04:27 10 doing what I can to help others, at many levels. As you decide  
11 what is an appropriate sentence for me, I ask that you look at  
12 my entire life and my entire life history and what I've done  
13 for others in the past, and I would like still to do for others  
14 in the future.

15 Thank you again for your time.

16 THE COURT: Thank you, Mr. Wilson.

17 Do counsel know of any reason why sentence ought not  
18 to be imposed at this time? Mr. Stearns?

19 MR. STEARNS: No, your Honor.

04:28 20 MR. KENDALL: No, your Honor.

21 THE COURT: Please stand, Mr. Wilson.

22 Before I impose sentence, I will explain my reasons  
23 for doing so.

24 You stand before me the 15th parent whom I have had to  
25 sentence in this college admissions scandal, once again leaving

1 me dumbfounded and appalled. You are an intelligent and  
2 successful businessman whose achievements are all the more  
3 remarkable considering your difficult childhood. You have used  
4 your wealth and privilege to help others, as reflected in the  
5 numerous letters submitted on your behalf, but you stand before  
6 me today a convicted felon because you also used your wealth  
7 and privilege to bribe your son's way into Southern California  
8 and attempted to pay for your daughters to get special  
9 treatment and allow them to get into Harvard and Stanford.

04:29 10 Mr. Wilson, as I have said to many of your  
11 co-defendants before, you, of all people, should understand the  
12 value of education and how important it is that the college  
13 admissions be fair and accessible. Where would you be, for  
14 instance, if your admission to RPI had depended on how much  
15 money your family could pay to secure it? It astounds me that  
16 someone who worked so hard for his education would enter into a  
17 conspiracy to cheat his son's way into a prestigious university  
18 by paying \$200,000 to someone to fabricate an athletic profile  
19 and secure his admission as a water polo recruit based upon  
04:30 20 false qualifications. Nevertheless, you did just that.

21 Undeterred, you attempted to do the same thing for your  
22 daughters. Only this time you agreed to pay \$500,000 each to  
23 get them into prestigious universities. In doing so, in  
24 essence, you stole admission spots at good colleges from other  
25 deserving students who did not have all of your advantages.

1           Part of my responsibility as a judge when imposing  
2 sentence in criminal cases is to deter, first to deter you from  
3 ever doing anything like this again despite the fact that you  
4 have not accepted responsibility for the crime of which you  
5 have been convicted by a jury, nor shown the least remorse in  
6 that crime and, second, to deter generally any parent of a  
7 college applicant who is rich enough and unprincipled enough to  
8 try to bribe their kids' ways into college from doing so. That  
9 is why I'm going to send you to prison, and I hope you and  
04:31 10 others get the message and that you spend the rest of your life  
11 and your considerable good fortune making up for your egregious  
12 conduct.

13           Pursuant to the Sentencing Reform Act of 1984 and  
14 having considered the sentencing factors enumerated in Title 18  
15 of United States Code, Section 3553(a), it is the Judgment of  
16 this Court that you, John Wilson, are hereby committed to the  
17 custody of the Bureau of Prisons to be imprisoned for a term of  
18 15 months. This term consists of terms of 15 months on all  
19 superseding counts, to be served concurrently.

04:32 20           Upon release from imprisonment, you shall be placed on  
21 supervised release for a term of two years. This term consists  
22 of terms of two years on all counts of the Fourth Superseding  
23 Indictment except Count 13, and a term of one year on Count 13  
24 of the Superseding Indictment, such terms to run concurrently.

25           Within 72 hours of release from custody of the Bureau

1 of Prisons you shall report in person to the district to which  
2 you are released.

3 It is further ordered that you shall pay to the United  
4 States a fine of \$200,000. This consists of \$100,000 on Count  
5 1 of the superseding indictment and \$100,000 on Count 2 of the  
6 superseding indictment.

7 It is further ordered that you shall pay a lump sum of  
8 \$200,000, which is due and payable within 90 days of  
9 sentencing.

04:33 10 Any fine imposed is to be continued to be paid until  
11 the full amount, including any interest required by law, is  
12 paid. All fine payments shall be made to the Clerk of the  
13 United States District Court. You are to notify the United  
14 States Attorney for this district within 30 days of any change  
15 of mailing residence address that occurs while any portion of  
16 the fine remains unpaid.

17 While under the Probation Office's supervision, you  
18 shall comply with the following terms and conditions: First,  
19 you shall not commit another federal, state, or local crime.  
04:34 20 You shall not unlawfully possess a controlled substance. Drug  
21 testing conditions are suspended based upon the Court's  
22 determination that you pose no risk of substance abuse. You  
23 must cooperate in the collection of a DNA sample as directed by  
24 the Probation Officer and you are to comply with the standard  
25 conditions that have been adopted by this Court and are



1 described in the Sentencing Guidelines at Section 5D1.3(c),  
2 which will be set forth in detail in the Judgment and  
3 Committal.

4 The following special conditions apply during your  
5 supervised release: First, you must pay restitution to the  
6 Internal Revenue Service in the amount of \$88,546 according to  
7 a court-ordered repayment schedule. You are to meet with the  
8 Internal Revenue Service within the first six months of your  
9 period of supervised release in order to determine your prior  
04:35 10 tax liability and you are to file tax returns and pay any past  
11 or future taxes due.

12 You must complete 400 hours of community service at an  
13 agency approved by the Probation Office.

14 You must pay the balance of any fine or restitution  
15 imposed according to a court-ordered repayment schedule.

16 You are prohibited from incurring new credit charges  
17 or opening additional lines of credit without the approval of  
18 the Probation Office while any financial obligation remains  
19 outstanding. And you are to provide the Probation Office  
04:35 20 access to any requested financial information which may be  
21 shared with the Financial Litigation Unit of the United States  
22 Attorney's office.

23 It is further ordered that you shall pay to the United  
24 States a Special Assessment of \$800, which shall be due and  
25 payable immediately.

1           Mr. Wilson, you have a right to appeal this sentence.  
2           If you choose to appeal, you must do so within 14 days. If you  
3           cannot afford an attorney, an attorney will be appointed on  
4           your behalf.

5           Do you understand that?

6           THE DEFENDANT: Yes.

7           THE COURT: Pursuant to the joint motion which was  
8           filed by your counsel and counsel for your co-defendant  
9           Abdelaziz, which was allowed by this Court last week, your  
04:36 10          surrender date is indefinitely postponed pending a decision of  
11          this Court, but you nevertheless remain subject to the previous  
12          conditions and under the same bond imposed pretrial,  
13          specifically relative to reporting to your Probation Officer  
14          and receiving permission to travel, et cetera. Do you  
15          understand that?

16          THE DEFENDANT: Yes, your Honor.

17          THE COURT: Is there any further business then to come  
18          before the Court in these proceedings? Mr. Stearns?

19          MR. STEARNS: No, your Honor.

04:37 20          THE COURT: Mr. Kendall?

21          MR. KENDALL: One small matter. We asked if the Court  
22          would consider a judicial recommendation to the Bureau of  
23          Prisons that he be assigned to FMC Devens.

24          THE COURT: Yes. If the Bureau of Prisons deems that  
25          the appropriate security level for this defendant, the Court

1 recommends that he be incarcerated at the Devens facility.

2 MR. KENDALL: Thank you, very much.

3 THE COURT: We're adjourned.

4 THE CLERK: All rise.

5 (The Honorable Court exited, 4:37 p.m.)

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## C E R T I F I C A T E

UNITED STATES DISTRICT COURT )  
DISTRICT OF MASSACHUSETTS )

I, Kristin M. Kelley, certify that the foregoing is a  
correct transcript from the record of proceedings taken  
February 16, 2022 in the above-entitled matter to the best of  
my skill and ability.

/s/ Kristin M. Kelley

February 18, 2022

Kristin M. Kelley, RPR, CRR  
Official Court Reporter

Date